

STATE OF CALIFORNIA

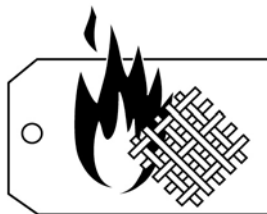
ARNOLD SCHWARZENEGGER, GOVERNOR

DEPARTMENT OF CONSUMER AFFAIRS BUREAU OF HOME FURNISHINGS AND THERMAL INSULATION



RULES AND REGULATIONS

ISSUED BY
BUREAU OF HOME FURNISHINGS AND THERMAL INSULATION
3485 ORANGE GROVE AVENUE
NORTH HIGHLANDS, CALIFORNIA 95660-5595



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TITLE 4 BUREAU OF HOME FURNISHINGS & THERMAL INSULATION

Article 1 General Provisions

1101. Definitions of Bureau and Act.

For the purposes of these rules and regulations, the term "Bureau" means the Bureau of Home Furnishings, and the term "act" means Chapter 3 of Division 8 of the Business and Professions Code, which chapter is also cited as the Home Furnishings Act.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Sections 19000 and 19004, Business and Professions Code.

1102. Scope.

It is hereby declared to be the purpose of these regulations and the policy, intent and direction of the Bureau to employ the terms, definitions and nomenclature as are commonly used, and as recognized in the manufacture, sale and distribution of furniture and bedding products. Classifications of materials in these regulations are intended to have understandable meaning to the ultimate consumer.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Section 19034, Business and Professions Code.

1103. "Separate Service to the Trade."

As used in Section 19014 of the act, includes any of the following services by the parent house, when rendered by a subsidiary establishment:

(a) Sale of Goods. Except for the display and sale of goods in an established furniture mart or exchange when the subsidiary establishment is the principal place of business of the wholesaler maintaining the display and service.

(b) Delivery of goods sold in the subsidiary establishment with local stock and independent of the parent house.

(c) Entire or partial billing for goods sold and delivered.

(d) Entire or partial billing and collection for goods sold and delivered.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Section 19014, Business and Professions Code.

1104. The Term "on His or Her Own Account."

As used in Sections 19060.5 and 19060.6 of the act, the term "on his or her own account" is intended to

limit the requirement for a license to the person who is obligated as a principal in contracts to sell or contracts to render services. The requirement for a license does not extend to salesmen, factors, agents, solicitors, factory representatives or those who act only in a representative capacity for others.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Sections 19060.5 and 19060.6, Business and Professions Code.

1105. Exemptions.

Articles which are not clearly upholstered furniture or bedding, as described in the act, may be declared exempt from the provisions of the act and these regulations, except that when exempted articles are labeled they become subject to the act and the regulations and must be labeled in conformity therewith. No questionable articles shall be considered as exempt, however, until the articles or photographs thereof, have been submitted to the Bureau for inspection and final authority for exemption has been granted.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Sections 19006, 19007 and 19034, Business and Professions Code.

1107. License Fees.

(a) Except as provided in subsection (b) herein, the fees for the issuance and biennial renewal of the following licensing categories shall be fixed as follows:

(1) Importer's license	\$650
(2) Furniture and bedding manufacturer's license	\$650
(3) Wholesale furniture and bedding dealer's license	\$540
(4) Supply dealer's license	\$540
(5) Custom upholsterer's license	\$360
(6) Sanitizer's license	\$360
(7) Retail furniture dealer's license	\$120
(8) Retail bedding dealer's license	\$120
(9) Retail furniture and bedding dealer's license	\$240

(b) The reduction or waiver of any license fee shall be made only in accordance with subsections (b) and (c) of Section 19170 of the Business and Professions Code.

(c) The delinquency fee and additional penalty fees are those specified in Section 19170.5 of the Business and Professions Code.

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Note: Authority cited: Sections 19034 and 19170, Business and Professions Code. Reference: Sections 19170 and 19170.5, Business and Professions Code.

1108. Procedure Re License.

(a) A new license must be secured when there is change of ownership.

(b) Licensees must notify the Bureau within thirty (30) days of a change of name and/or address when the ownership remains the same.

(c) All furniture and bedding manufacturers whose products are offered for sale in California, regardless of the point of manufacture, must hold a valid license with the Bureau.

(d) Importer as defined in Business & Professions Code Section 19011.1 includes, but is not limited to, "brokers" and "traders".

(e) Manufacturers located outside of the United States who do not hold an Importer's license, must obtain a Furniture and Bedding Manufacturer's license if their products are imported into California.

(f) A licensed importer in the United States may co-hold a license with a manufacturer located outside the United States. A co-holder license can only be held by one importer in the United States on behalf of one manufacturer outside the United States.

(g) If an importer chooses to hold a co-holder license with more than one manufacturer outside the United States, he/she shall obtain a separate co-holder license with each manufacturer. There is no limit on the number of co-holder licenses an importer may hold, but only one manufacturer may appear on each co-holder license; licenses may not be pooled.

Note: Authority cited: Section 19034 and 19061.5, Business and Professions Code. Reference: Sections 19053.1, 19054, 19060, 19061 and 19061.5, Business and Professions Code.

1109. Registry Numbers.

(a) The location of every manufacturer, custom upholsterer, sanitizer, supply dealer or importer who manufactures shall bear a separate registry number. The registry number uniquely identifies each location (branch) of a licensed manufacturer, custom upholsterer, sanitizer, supply dealer, or importer.

(b) No registry number shall be issued or recognized without the required license fee.

(c) The registry number must appear on the law label that is attached to all upholstered furniture, bedding or filling materials.

(d) Every registry number issued by the Bureau shall be exclusively for the person to whom it is issued and the number shall not hereafter be reissued to, or used by, any other person.

Note: Authority cited: Sections 19034 and 19061.5, Business and Professions Code. Reference: Sections 19060, 19061 and 19061.5, Business and Professions Code.

1110. "Withhold from Sale" Tag.

A "Withhold from Sale" tag attached by the Bureau to the material or article of upholstered furniture and bedding withheld from sale shall not be concealed or obstructed from view in any manner. The licensee shall not remove or allow the removal of the withhold from sale tag without the express approval of the Bureau.

Note: Authority cited: Sections 19034 and 19081, Business and Professions Code. Reference: Sections 19081, 19202, 19203 and 19204, Business and Professions Code.

1111. Names of Filling Materials.

The kinds and types of filling materials shall be stated on the law label. Any kinds and types of filling materials that are not named or defined in these regulations will be assigned names for labeling purposes when samples are submitted to the Bureau.

Note: Authority cited: Sections 19034, and 19089, Business and Professions Code. Reference: Sections 19080, 19081 and 19089, Business and Professions Code.

1112. Additional Terms Not Prohibited.

These regulations shall not be construed as prohibiting the use in conjunction with the prescribed names or descriptive terms, of additional words or phrases that correctly designate and more fully describe any filling material, when such additional words or phrases are required or approved by the Bureau.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Sections 19080, 19081 and 19089, Business and Professions Code.

1113. Deviations from Percentages Stated.

Any deviation from percentages stated of a blend of types or kinds of filling materials shall not exceed

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10% of the smaller component, i.e., a product labeled as 50% polyester fiber/50% polyurethane must contain no less than 45% polyester fiber.

Note: Authority cited: Sections 19034 and 19081, Business and Professions Code. Reference: Sections 19081, 19088, 19089 and 19150, Business and Professions Code.

1114. Water Repellent, Water Resistant.

Articles and materials labeled as "water repellent," "water resistant" and words of similar import shall conform to a minimum rating of 90 when tested in accordance with the American Association of Textile Chemists and Colorists' Designation 22-1980 "Water Repellence: Spray Test."

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Sections 19088, 19089 and 19150, Business and Professions Code.

1116. Mildew Proof, Mildew Resistant.

Articles and materials labeled as mildew proof, mildew resistant and words of similar import shall show no visual growth when examined by the unaided eye when tested by the American Association of Textile Chemists and Colorists' Designation 30-1979, Section 9, Aspergillus Niger-glucose Mineral Salts Agar Test.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Sections 19088, 19089 and 19150, Business and Professions Code.

1118. Moth Proof, Moth Resistant.

Articles and materials labeled as moth proof, moth resistant and words of similar import shall show no damage when tested in accordance with the American Association of Textile Chemists and Colorists' Designation 24-1980 "Resistance of Textiles to Insects," using the fabric weight loss method.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Sections 19088, 19089 and 19150, Business and Professions Code.

1119. Bacteria Resistant, Odor Resistant.

Articles and materials labeled as bacteria resistant, odor resistant or words of similar import shall demonstrate clear areas of no growth adjacent to the fabric when tested in accordance with the American Association of Textile Chemists and Colorists' Designation 147-1977 "Detection of Antibacterial

Activity of Fabrics: Parallel Streak Method."

Note: Authority Cited: Section 19034, Business and Professions Code. Reference: Sections 19088, 19089 and 19150, Business and Professions Code.

1120. Stain Resistant, Stain Repellent.

Articles labeled as "stain resistant," "stain repellent" and words of similar import shall not allow an oil or water based staining material to penetrate or wick into the textile product when tested in accordance with Bureau of Home Furnishings Technical Bulletin No. 107 dated July, 1973.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Sections 19088, 19089 and 19150, Business and Professions Code.

1121. Soil Resistant, Soil Repellent.

Articles labeled as "soil resistant," "soil repellent" and words of similar import shall permit the textile product to release household type dirt or dry soil when tested in accordance with Bureau of Home Furnishings Technical Bulletin No. 108 dated July, 1973.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Sections 19088, 19089 and 19150, Business and Professions Code.

Article 2

Official Law Labels for Upholstered Furniture and Bedding and for Bulk Filling Material

1125. Labeling Requirements.

The kinds, types and percentage of filling materials used in articles of upholstered furniture and bedding and in bulk form concealed or not concealed shall be stated on the law label. Percentages shall be computed on the basis of avoirdupois weight of the filling material present and shall be designated on the law label in order of predominance, the largest component first.

Note: Authority cited: Sections 19034 and 19081, Business and Professions Code. Reference: Sections 19080, 19081 and 19089, Business and Professions Code.

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1126. Official Law Label Requirements.

(a) Attachment of Law Labels. Labels shall be securely fastened onto completed articles and bulk materials in a manner approved by the Bureau in such an area as to be openly and easily visible to view. Labels are not to be concealed or obstructed from view in any manner.

(b) Label Material. Law labels shall be constructed of material approved by the Bureau and shall not be easily torn or defaced.

(c) Color of Label and Color of Ink:

- (1) A white law label printed in black ink shall be used for new materials.
- (2) A red law label printed in black ink shall be used for materials which are in whole or in part secondhand (used).
- (3) A green label printed in black ink shall be used for "Owner's Material."

(d) Statements and Headings to be Shown on Law Labels:

- (1) "UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER" shall appear at the top of the label.
- (2) Headings shall read "All New Material" when the material is wholly new; "Secondhand (Used) Material" when the material is in whole or in part secondhand.
- (3) Description of filling material as provided in the applicable regulations.
- (4) For owner's own materials the heading shall state: "THIS ARTICLE NOT FOR SALE" - "OWNER'S MATERIAL."
- (5) The registry number assigned or approved by the Bureau.
- (6) "Certification is made by the manufacturer that the materials in this article are described in accordance with law."
- (7) For owner's own materials the certification portion of the label shall state: "CERTIFICATION IS MADE THAT THIS ARTICLE CONTAINS THE SAME MATERIAL IT DID WHEN RECEIVED FROM THE OWNER AND THAT ADDED MATERIALS ARE DESCRIBED IN ACCORDANCE WITH LAW AND CONSIST OF THE FOLLOWING."
- (8) For owner's own materials the name and address of the owner.
- (9) The finished size of articles of bedding such as sleeping bags, mattresses, comforters, mattress pads, pads, box springs, pillows, and similar articles, showing the width and length

expressed in inches. Decorator pillows need not show size.

(10) The net weight of filling materials in articles of bedding such as sleeping bags, mattresses, box springs, pads and similar items, stated in pounds and ounces.

(11) All bulk filling materials which meet the requirements of Bureau of Home Furnishings Technical Bulletin No. 117, dated March 2000 shall have imprinted on the law label immediately following the requirements as set forth in subsection (c) of this section the statement: "THIS PRODUCT MEETS THE REQUIREMENTS OF BUREAU OF HOME FURNISHINGS TECHNICAL BULLETIN NO. 117."

(12) In addition to the requirements set forth in subsection (11) of this section all invoices for products meeting the requirements of Bureau of Home Furnishings Technical Bulletin No. 117, dated March 2000 shall have stated on such invoices the identification of the product meeting the requirement and the statement that such identified products meet the requirements of Bureau of Home Furnishings Technical Bulletin No. 117.

(e) Size of Law Labels and Type of Printing:

- (1) The minimum size of labels shall be 2 x 3 inches. Labels shall be larger when the required size of type and statements make it necessary.
- (2) The minimum size of type shall be one-eighth inch in height, in capital letters.
- (3) All printing shall be in English.

(f) Forms of Law Labels.

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Type No. 1

For articles of upholstered furniture without loose cushions, also for decorator pillows, chair cushions, quilted bedspreads, headboards, hassocks, and similar items.

<i>(Space for Stitching)</i>		(WHITE LABEL) Minimum type size one-eighth inch in height, in capital letters. Insert description of filling materials by clearly imprinting in English, using capital letters not less than one-eighth inch high. Name and address of vendor or manufacturer optional.
UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER.		
ALL NEW MATERIAL consisting of _____		
Registry No. _____	Certification is made by the manufacturer that the materials in this article are described in accordance with law.	
Name and address of vendor or manufacturer		

Type No. 2

For articles of furniture with loose cushions.

(WHITE LABEL)	
UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER.	
ALL NEW MATERIAL consisting of _____	
BODY: _____	
BACK CUSHIONS: _____	
SEAT CUSHIONS: _____	
Registry No. _____	Certification is made by the manufacturer that the materials in this article are described in accordance with law.
Name and address of vendor or manufacturer	
<i>(Space for Stitching)</i>	

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Type No. 3

For owner's own materials.

<i>(Space for Stitching at top or bottom)</i>		(GREEN LABEL) Minimum type size one-eighth inch in height, in capital letters. Insert description of filling materials by clearly imprinting in English, using capital letters not less than one-eighth inch high. This space optional.
UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER.		
This Article Not For Sale OWNER'S MATERIAL Certification is made that this article contains the same material it did when received from the owner and that added materials are described in accordance with law, and consistent of the following		
ALL NEW MATERIAL _____		
Renovated or repaired by: _____		
Registry No. _____	Date _____	
Owner: _____		
Address: _____		
<i>(Space for Stitching at top or bottom)</i>		

Type No. 4

For bulk filling materials such as batting and pads.

<i>(Space for Stitching at top or bottom)</i>		Minimum type size one-eighth inch in height, in capital letters. Insert description of filling materials by clearly imprinting in English, using capital letters not less than one-eighth inch high. This space optional.
UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER.		
ALL NEW MATERIAL		

Net Wt. _____		
Certification is made by the manufacturer that the materials in this article are described in accordance with law.		
<div style="border: 1px solid black; display: inline-block; padding: 2px 10px;"> REGISTRY NO. </div>		
Name and address of vendor or manufacturer _____		

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Type No. 5

For packaged filling materials ready for use by the ultimate customer.

UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER.	
ALL NEW MATERIAL	Minimum type size one-eighth inch in height, in capital letters.
Insert description of filling materials by clearly imprinting in English, using capital letters not less than one-eighth inch high.	
REGISTRY NO.	
Certification is made by the manufacturer that the materials in this article are described in accordance with law.	
Name and address of vendor or manufacturer	This space optional.

Type No. 6

For articles of bedding, such as pillows, comforters, mattress pads and similar items.

<i>(Space for Stitching)</i>		(WHITE LABEL)
UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER.		
ALL NEW MATERIAL consisting of		Minimum type size one-eighth inch in height, in capital letters.
Finished Size _____		Insert description of filling materials by clearly imprinting in English, using capital letters not less than one-eighth inch high.
	Registry No.	
Certification is made by the manufacturer that the materials in this article are described in accordance with law		
Name and address of vendor or manufacturer		This space optional.

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Type No. 7

For sleeping bags, pads, mattresses, including a hybrid flotation sleep system containing a quilted fabric cover over a traditional water filled bladder, box springs and similar items.

(Space for Stitching)

UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER.

ALL NEW MATERIAL
consisting of

Finished Size _____
Net Wt. of Filling Mat'l _____

Registry No.

Certification is made by the manufacturer that the materials in this article are described in accordance with law

Name and address of vendor or manufacturer

(WHITE LABEL)

Minimum type size one-eighth inch in height, in capital letters.

Insert description of filling materials by clearly imprinting in English, using capital letters not less than one-eighth inch high.

This space optional.

Type No. 8

For bulk material such as batting and any filling material in loose or pre-fabricated form used or which can be used in articles of upholstered furniture.

Space for stitching or typing.
(Method optional)

UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER.

ALL NEW MATERIAL

Net Wt. _____

Certification is made by the manufacturer that the materials in this article are described in accordance with law. This product meets the requirements of Bureau of Home Furnishings Technical Bulletin Number 117.

REGISTRY NO.

Name and address of vendor or manufacturer

Minimum type size one-eighth inch in height, in capital letters.

Insert description of filling materials by clearly imprinting in English, using capital letters not less than one-eighth inch high.

This space optional.

Note: Authority cited: Sections 19034 and 19081, Business and Professions Code. Reference: Sections 19080, 19081, 19086, 19087, 19088, 19089.3, 19089.5, 19092 and 19093, Business and Professions Code.

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Type No. 9

For bedding articles that contain whole or in part any secondhand (used) filling materials.

UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER	(Red Label)
THIS PRODUCT CONTAINS SECONDHAND (USED) FILLING MATERIALS	Minimum type size one- eighth inch in height, in capital letters. Insert description of any newly added filling materials
Finished Net Wgt. Of Filling Size _____ Mat'l _____ lbs.	
Registry No.	
Certification is made by the manufacturer that the materials in this article are described in accordance with the law.	
Name and address of vendor or manufacturer.	optional information

Note: Authority cited: Sections 19034 and 19081, Business and Professions Code. Reference: Sections 19080, 19081, 19086, 19087, 19088, 19089.3, 19089.5, 19092 and 19093, Business and Professions Code.

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Article 2.5

Universal Filling Material Requirements

1130. Cleanliness.

All filling materials shall be reasonably clean and free from trash, pith, pulp, extraneous materials, sludge, oil, grease, fat, filth, excreta, skin, epidermis, disagreeable odors and contamination.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Sections 19089, 19121, 19160 and 19202, Business and Professions Code.

1131. Oil and Grease Limitations.

When any filling material contains more than 5.0% of oil, grease or fat or a combination thereof the material is not permissible for sale in California.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Sections 19089, 19121, 19160 and 19202, Business and Professions Code.

1132. Trash Limitation-Vegetable Fibers.

When any filling material of vegetable origin contains more than 15% of trash or pulp and undecorticated fiber the material is not permissible for sale in California.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Sections 19089, 19121, 19160 and 19202, Business and Professions Code.

1133. Sludge Limitation.

When any filling material contains more than 0.3 milliliters of sludge the material is not permissible for sale in California. Sludge shall mean any material from a 20 gram sample of filling material which will settle out of a solution which has passed through a 40 mesh sieve.

Note: Authority cited: Sections 19034, Business and Professions Code. Reference: Section 19089, 19121, 19160 and 19202, Business and Professions Code.

1134. Residue Limitation.

When any filling material contains more than 5.0% of residue the material is not permissible for sale in California.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Sections 19089, 19121, 19160 and 19202, Business and Professions Code.

Article 3

Universal Definitions and Labeling

1135. Terms of Definitions and Label Requirements.

The following terms shall be stated on the law label when applicable in addition to other labeling nomenclature required by these regulations.

(a) "Batting" shall mean fibers which have been carded or garnetted into layer form.

(b) "Bleached" shall mean any product whose intrinsic color had been removed and whiteness improved by treating with a chemical compound.

(c) "Colored" or "Dyed" shall mean any filling material which has been treated and impregnated with coloring material.

(d) "Damaged" shall mean any filling material or article, which has been adversely affected by machine processing or by exposure to fire, water or other elements or source.

(e) "Fibers of Unknown Kind" shall mean miscellaneous new textile materials of unknown origin, and for practical purposes, unknown fiber content.

(f) "Gel" is any filling material of a semi-solid form, typically encased in a leak proof fabric cover and consisting of a mixture of water or other liquid base, dissolved chemicals and/or a suspension of other chemicals, which provides special ergonomic and resiliency properties.

(g) "Pad" shall mean any filling material which is interwoven, punched, pressed, shaped, or otherwise fabricated into pad form.

(h) "Resinated" or "Resin Treated" shall mean any filling material treated with a combination of synthetic resin or a combination of synthetic resin and latex.

(i) "Rubberized" shall mean any filling material which had been treated with a latex compound.

(j) "Shredded" shall mean any filling material which has been cut or torn into pieces.

(k) "Trash" shall mean shell, shale, stick, stem, leaf, boll, seed and foreign matter.

(l) "Waste" shall mean filling material with any of the following characteristics :

- (1) Trash content in excess of 7.0%.
- (2) Grease and oil content in excess of 2.0%.
- (3) Bits or scraps of cellulose wadding, paper, or other foreign matter.
- (4) Variable diameter fiber.
- (5) Pulp and undecorticated fiber in excess of 10.0%.
- (6) Bits or scraps of fabric.

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(m) "Recycled Fibers" shall mean new fibers which are the by-product resulting from a textile processing method. Such recycled fibers shall not have a thread content in excess of 5.0%.

Note: Authority cited: Sections 19034, 19088 and 19150, Business and Professions Code. Reference: Sections 19080, 19081, 19088 and 19089, Business and Professions Code.

1136. Definitions of Types of Bedding.

(a) Box Springs shall mean an article designated to support a mattress, consisting of coiled springs on a wood, metal, plastic, or any such combination thereof, frame upholstered on top with filling material and covered on top and sides with fabric.

(b) Matching Box Springs shall mean an article designated to support a mattress, consisting of coiled springs on a wood, metal, plastic, or any such combination thereof, frame, upholstered on top with filling material and covered on top and sides with the same fabric as the mattress.

(c) Foundation shall mean any structure designed to support a mattress.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Section 19007, Business and Professions Code.

1137. Care Instructions.

Effective October 1, 1977, all sleeping bags, mattress pads, comforters, bedspreads, coverlets, quilts and similar articles shall have a label sewn onto the article stating instructions for laundering and cleaning.

Note: Authority cited: Section 19034 and 19081, Business and Professions Code. Reference: Section 19080 and 19081, Business and Professions Code.

Article 4 Cotton Regulations

1181. Optional Labeling.

In lieu of the requirement set forth in Section 1125 of these regulations, any cotton filling material may be designated on the law label as "Blended Cotton" without stating the types of cotton present.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Section 19080, 19081, 19088, 19089 and 19150, Business and Professions Code.

1182. Definitions of Types of Cotton.

(a) "Cotton" shall mean a vegetable seed fiber consisting of unicellular hairs attached to the seed of several species of the genus *Gossypium* of the family Malvaceae.

(b) "Staple" shall mean the staple fibrous growth as removed from cottonseed in the usual process of ginning (first cut from seed).

(c) "Comber" shall mean the cotton waste resulting from running card sliver through a combing machine.

(d) "Fly" shall mean the cotton waste resulting when cotton is introduced to the carding machine.

(e) "Gin Flues" shall mean the cotton waste resulting from staple cotton in the ginning mill.

(f) "Picker" shall mean the cotton waste remaining after cotton has been run through the picker in the cotton mill.

(g) "Strips" shall mean the cotton waste produced by or removed from the carding cloth following the carding process.

(h) "Linters" shall mean the fibrous growth resulting from the first cut of the cottonseed (subsequent to the usual first process of ginning) in the cotton oil mill.

(i) "Second Cut Linters" shall mean the fibrous growth resulting from the second cut of cottonseed in the cotton oil mill.

Note: Authority cited: Section 19034 and 19089, Business and Professions Code. Reference: Section 19080, 19081, 19088, 19089 and 19150, Business and Professions Code.

Article 5 Plumage Regulations

1192. Definitions of Types and Kinds of Plumage.

(a) "Crushed Feathers" shall mean feathers which have been processed by a curling, crushing or chopping machine and includes the fiber resulting from such processing and which has changed the original form of the feather without removing the quill.

(b) "Damaged Feathers" shall mean feathers which have been broken, injured by insects or depreciated from the original value in any manner.

(c) "Down" shall mean the undercoating of waterfowl, consisting of the light fluffy filaments "barb" growing from one quill point but without any quill shaft.

(d) "Down Fiber" shall mean the detached barbs from down and plumules and detached barbs from the basal end of the waterfowl quill shaft which are indistinguishable from the barbs of down.

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(e) "Feathers" shall mean the plumage or out-growth forming the contour and external covering of fowl which are whole in structure and which have not been processed in any manner other than dusting and washing.

(f) "Feather Fiber" shall mean the detached barbs of feathers which are not joined or attached to each other.

(g) "Landfowl" shall mean plumage derived from chickens and turkeys.

(h) "Plumage" shall mean the outercovering of fowl.

(i) "Plumules" shall mean waterfowl plumage with underdeveloped soft and flaccid quill with barbs indistinguishable from those of down.

(j) "Quill Feathers" shall mean feathers exceeding four inches in length or having a quill point exceeding 6/16ths of an inch in length.

(k) "Residue" shall mean quill pith, quill fragments, trash or foreign matter.

(l) "Waterfowl" shall mean plumage derived from ducks or geese.

(m) "Duck" shall mean plumage derived from ducks.

(n) "Goose" shall mean plumage derived from geese.

(o) "Turkey" shall mean plumage derived from turkeys.

(p) "Chicken" shall mean plumage derived from chickens.

Note: Authority cited: Sections 19034 and 19089, Business and Professions Code. Sections 19080, 19081, 19088 and 19150. Business and Professions Code.

1193. Compositional Requirements.

(a) Down Products. Any industry product labeled as "down," "duck down," or "goose down" shall contain a minimum of 75% down and plumules. The "DOWN" label is a qualified general label and shall include in parentheses the minimum percentage of down in the product. The minimum percentage stated on the label must be at least 75%.

The remainder normally consists of waterfowl feathers and small amounts of other components. If these other components exceed the following maximums, the percentage of such components must be labeled.

Down Fiber	maximum	10%
Feather Fiber	maximum	10%
Chopped,Damaged & Crushed Feathers		
Landfowl Feathers	maximum	2%

Residue	maximum	2%
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Quill Feathers are not permitted.

(b) Down and Feather Blended Products. These products require qualified general labels that shall include in parentheses the actual percentage of components.

(1) The term "DOWN AND FEATHERS" may be used to designate any plumage product containing between 50% and 74% down and plumules. The actual percentages must be stated on the label.

(2) The term "FEATHERS AND DOWN" may be used to designate any plumage product containing between 5% and 49% down and plumules. The actual percentages must be stated on the label.

(3) The remainder of components in down and feather blended products normally consists of waterfowl feathers or down and small amounts of other components. If these other components exceed the following maximums, the percentage of such components must be labeled.

Down Fiber	maximum	10%
Feather Fiber	maximum	10%
Chopped, & Crushed Feathers	Damaged maximum	2%
Landfowl Feathers	maximum	2%
Residue	maximum	2%

Quill Feathers are not permitted

(c) Waterfowl Feather Products. Any industry product labeled as "waterfowl feathers," "duck feathers," "goose feathers" shall contain a minimum of 80% waterfowl feathers.

The remainder normally consists of waterfowl feathers and small amounts of other components. If these other components exceed the following maximums, the percentage of such components must be labeled.

Down	maximum	20%
Down Fiber	maximum	10%
Chopped, Damaged & Crushed Feathers	maximum	
7%		
Feather Fiber	maximum	5%
Landfowl Feathers	maximum	5%
Residue	maximum	2%

Quill Feathers are not permitted

(d) Other Plumage Products. Plumage products which do not meet requirements for any of the above categories must be labeled accurately with each component listed separately.

(e) Percentage Claims. A plumage product should not be designated as "100% Down," "All Down," "Pure Down" or by other similar terms unless, in fact,

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contains 100% down.

(f) Tolerances. No tolerance is allowed for the minimum percentage of down as stated in the above listed categories.

(g) Species. The specie of waterfowl plumage need not be designated, but when designated, the product shall contain a minimum of 90% of such plumage.

(h) Cleanliness. All plumage products must have an oxygen number not exceeding 20 grams of oxygen per 100, 000 grams of sample.

(i) Adulteration. The maximum content for certain components listed above are not to be construed to permit intentional adulteration of plumage products.

(j) Labels. Every plumage filled product must contain a law label in accordance with Article 2, Section 1125 & 1126 of the California Code of Regulations.

Note: Authority cited: Sections 19034 and 19089, Business and Professions Code. Reference: Sections 19080, 19081, 19088 and 19150, Business and Professions Code.

Article 6 Wool and Hair Regulations

1209. "Wool."

Shall mean the fleece of sheep which has been scoured and carbonized. It shall be free of kemp and vegetable matter.

Note: Authority cited: Section 19034 and 19089, Business and Professions Code. Reference: Section 19080, 19081, 19088, 19089 and 19150, Business and Professions Code.

1210. "Hair."

Shall mean the coarse filamentous epidermal outgrowth of such mammals as horses, cattle, hogs and goats.

Note: Authority cited: Section 19034 and 19089, Business and Professions Code. Reference: Section 19080, 19081, 19088, 19089 and 19150, Business and Professions Code.

1211. Classification of Hair.

Hair shall be classified and labeled as follows:

"Horse Tail Hair"

"Horse Mane Hair"

"Hog Hair"

"Cattle Tail Hair"

"Cattle Hide Hair"

"Goat Hair"

Note: Authority cited: Section 19034 and 19089, Business and Professions Code. Reference: Section 19080, 19081, 19088, 19089 and 19150, Business and Professions Code.

Article 7 Man-Made Fiber Regulations

1238. Kinds of Man-Made Fibers.

The following terms shall be stated on the law label when applicable in addition to other labeling nomenclature required by these regulations for defining the chemical composition of manufactured fibers.

(a) "Acetate": a manufactured fiber in which the fiber-forming substance is cellulose acetate. Where not less than 92% of the hydroxyl groups are acetylated, the term triacetate may be used as a generic description of the fiber.

(b) "Acrylic": a manufactured fiber in which the fiber-forming substance is any long chain synthetic polymer composed of at least 85% by weight of acrylonitrile units
(-CH₂-CH-).

CN

(c) "Azlon": a manufactured fiber in which the fiber-forming substance is composed of any regenerated naturally occurring proteins.

(d) "Glass": a manufactured fiber in which the fiber-forming substance is glass.

(e) "Metallic": a manufactured fiber composed of metal, plastic-coated metal, metal coated plastic or a core completely covered by metal.

(f) "Modacrylic": a manufactured fiber in which the fiber-forming substance is any long chain synthetic polymer composed of less than 85% but at least 35% by weight of acrylonitrile units
(-CH₂-CH-)

CN

(g) "Nylon": a manufactured fiber in which the fiber-forming substance is any long chain synthetic polyamide having recurring amide groups (-C-NH-) as any integral part of the polymer chain.

O

(h) "Nitrile": a manufactured fiber containing at least 85% of a long chain polymer of vinylidene dinitrile (CH₂-C(CN)₂-) where the vinylidene dinitrile

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content is no less than every other unit in the polymer chain.

(i) "Olefin": a manufactured fiber in which the fiber-forming substance in any long chain synthetic polymer composed of at least 85% by weight of ethylene, propylene or other olefin units.

(j) "Polyester": a manufactured fiber in which the fiber-forming substance is any long chain synthetic polymer composed of at least 85% by weight of any ester of a dihydric alcohol and terephthalic acid ($\text{p-HOOC-C}_6\text{H}_4\text{-COOH}$).

(k) "Rayon": a manufactured fiber composed of regenerated cellulose, as well as manufactured fibers composed of regenerated cellulose in which substituents have replaced not more than 15% of the hydrogen of the hydroxyl groups.

(l) "Saran": a manufactured fiber in which the fiber-forming substance is any long chain synthetic polymer comprised of at least 80% by weight of vinylidene chloride units ($-\text{CH}_2\text{CCL}_2-$).

(m) "Spandex": a manufactured fiber in which the fiber-forming substance is a long chain synthetic polymer composed of at least 85% of segmented polyurethane.

(n) "Vinyl": a manufactured fiber in which the fiber-forming substance is any long chain synthetic polymer composed of at least 50% by weight of vinyl alcohol units ($-\text{CH}_2-\text{CHOH}-$), and in which the total of the vinyl alcohol units and any one or more of the various acetal units is at least 85% by weight of the fiber.

(o) "Vinyon": a manufactured fiber in which the fiber-forming substance is any long chain synthetic polymer composed of at least 85% by weight of vinyl chloride units ($-\text{CH}_2-\text{CHCL}-$).

(p) "Rubber": a manufactured fiber in which the fiber-forming substance is comprised of natural or synthetic rubber, including the following categories:

(1) A manufactured fiber in which the fiber-forming substance is a hydrocarbon such as natural rubber, polyisoprene, polybutadiene, copolymers of dienes and hydrocarbons, or amorphous (non-crystalline) polyolefins.

(2) A manufactured fiber in which the fiber-forming substance is a copolymer of acrylonitrile and diene (such as butadiene) composed of not more than 50% but at least 10% by weight of acrylonitrile units ($-\text{CH}_2-\text{CH}-$).

CN

The term "laetrite" may be used as a generic description for fibers falling within this category.

(3) A manufactured fiber in which the fiber-forming substance is a polychloroprene or a copolymer of

chloroprene in which at least 35% by weight of the fiber-forming substance is composed of chloroprene units
($-\text{CH}_2-\text{C}(\text{CH}_2\text{Cl})=\text{CH}-$)

CI

Note: Authority cited: Section 19034 and 19089, Business and Professions Code. Reference: Section 19080, 19081, 19088, 19089 and 19150, Business and Professions Code.

Article 8

Miscellaneous Vegetable Fiber Regulations

1247. Terms and Definitions.

The following terms shall be stated on the law label when applicable in addition to other labeling nomenclature required by these regulations for defining the chemical composition of natural fibers.

(a) "Buckwheat hulls" shall mean the outer shell covering of the buckwheat seed (fagopyrum).

(b) "Cellulose Fiber" shall mean wood or other vegetable growth reduced to a fibrous state.

(c) "Coco Fiber or Coir Fiber" shall mean the stiff elastic fiber obtained from the outer husk of the coconut.

(d) "Corrugated Fiber Board" shall mean the thick coarse paper, corrugated to give it elasticity.

(e) "Excelsior" shall mean shredded threadlike wood fibers, but shall not include waste products such as shavings, sawdust, or similar waste.

(f) "Flax Fiber" shall mean the fiber derived from the plant of the genus *Lignum Usitatissimum* raised primarily for fiber.

(g) "Jute Fiber" shall mean the fiber derived from several species of the *Corchorus* plant.

(h) "Kapok" shall mean the mass of fibers investing the seed of the kapok tree (*Ceiba Pentandra*).

(i) "Milkweed Fiber" shall mean the surface fiber from the inside of the seed pods of milkweed plants (*Asclepias*).

(j) "Moss" shall mean the processed fibers of epiphytic plants forming pendant tufts from trees.

(k) "Palm Fiber" shall mean the fibrous material obtained from the leaf of a palm, palmetto, or palmyra tree.

(l) "Sisal Fiber" shall mean the leaf fiber derived from the *Agave Sisalana* and similar species of Agaves.

(m) "Tula Fiber" shall mean the fiber derived from the *Tula Istle* and similar species of Agaves.

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Note: Authority cited: Section 19034 and 19089, Business and Professions Code. Reference: Section 19080, 19081, 19088, 19089 and 19150, Business and Professions Code.

Article 9 Sanitization Regulations

1251. Methods of Sanitization.

(a) Any method of sanitization not provided for herein shall be submitted to the Bureau for testing and consultation with the State Department of Health Services before adoption or use.

(b) Unless otherwise specifically provided for, the chief of the bureau shall determine the method to be employed in the sanitization of any article or material subject to the provisions of the act and these regulations.

(c) Secondhand (used) fabrics shall not contain any of the following adulterants: visible soiling or stains, extraneous materials, sludge, oil, grease, fat, filth, excreta, skin, epidermis, blood, urine, feces, disagreeable odors or other contamination.

(d) Secondhand (used) materials which are contaminated shall be sanitized as set forth in Sections 1252 or 1253 of these regulations.

(e) Mattresses containing a porous material or fabric may be sanitized by using the dry heat method in Section 1252 or the chemical disinfectant, Steri-fab, as set forth in Section 1253.

(f) Baled filling materials shall not be sanitized while still in the bale.

(g) Detachable mattresses and pads within hide-a-beds shall be removed from such articles and sanitized.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Sections 19120, 19121, 19123.6 and 19124, Business and Professions Code.

1252. Dry Heat Method.

(a) The dry heat method may be used to sanitize mattresses, box springs, or similar items covered in whole by a porous material or fabric.

(b) In sanitizing by the dry heat method a temperature of 230 degrees F. shall be maintained in all parts of an approved chamber for such a period of time as may be necessary for sanitization, which shall in no case be less than one hour and 15 minutes. All chambers shall be equipped with racks or devices and the articles to be sanitized shall be so placed therein so

that complete circulation of heat and gases around every article being sanitized shall be attained. All chambers shall be insulated sufficiently to insure maintenance of temperature and shall be tightly sealed to prevent any leakage of gases. A thermostat shall be connected with the heating device to provide and maintain a reasonably uniform temperature at 230 degrees F. + (plus or minus) 5 degrees.

(c) The sanitization conditions of 230 degrees F. for not less than 1 hour and 15 minutes may be changed to conditions of 205 degrees F. for not less than 1 hour and 30 minutes for foam products which suffer physical degradation at the 230 degrees F. temperature.

(d) A suitable recording device approved by the bureau shall be installed and maintained to record the time and temperature prevailing during the entire operation.

(e) Each chamber in which the dry heat method of sanitization is performed shall be equipped with a fresh air inlet and an exhaust fan and duct discharging to the outside air. To clear the chamber of gases and fumes upon completion of the sanitization cycle, the fresh air inlet to the chamber shall be opened and the exhaust fan operated for 30 minutes or until all fumes have been exhausted through the discharge duct. The sanitized articles may then be removed from the chamber.

(f) When more than one sanitization chamber is operated on any premises by the same person, each chamber shall be permanently identified by a letter, beginning with "A" and proceeding in alphabetical order.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Section 19122, 19124 and 19127.6, Business and Professions Code.

1253. Chemical Disinfection Method.

(a) In sanitizing by the chemical method only those products registered with the State of California, Environmental Protection Agency, Department of Pesticide Regulation, which are specified for use as disinfectants of articles of bedding shall be used. The product shall clearly state, on the label or on printed matter included in each container or package, detailed instructions for its use in disinfecting articles of bedding.

(b) Mattresses, box springs or similar articles covered in whole by an impervious material, such as plastic, may be sanitized by damp cleaning with a chemical disinfectant registered with the State of California, Environmental Protection Agency, Department of Pesticide Regulation, which is specified for use as a disinfectant of articles of bedding.

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(c) Mattresses, box springs or similar articles covered by a porous material or fabric may be sanitized with the chemical disinfectant, Steri-fab registered with the State of California, Environmental Protection Agency, Department of Pesticide Regulation for use as a disinfectant.

(1) Application of Steri-fab shall be in accordance with the chemical disinfectant manufacturer's specification in order to provide adequate coverage by thoroughly spraying over all surfaces so that complete disinfection is achieved.

(2) The Steri-fab disinfectant shall be well mixed throughout the application to ensure adequate dispersion of the tracer chemical which can be detected on the mattress cover in the dry state by use of a hand held ultraviolet (black) light under magnification.

(3) A continuous action pressure sprayer shall be used to apply the disinfectant.

(4) Appropriate and effective safety precautions shall be followed in the use, storage, application and disposal of the disinfectant.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Section 19124, Business and Professions Code.

1254. Lot.

A "lot" consists of all of the articles sanitized in (1) one chamber during one operation, or (2) by the chemical disinfection method during one (1) calendar day. Lots shall be numbered consecutively.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Section 19124 and 19127.6, Business and Professions Code.

1255. Records.

(a) Records shall be kept in a bound *log* book and shall include:

- (1) the date of sanitization;
- (2) the chamber letter, if any;
- (3) the lot numbers in consecutive order;
- (4) the name of the person *and or company* for

whom sanitized.

(b) The numbers and types of items sanitized must be recorded.

(c) Damaged labels shall be entered into the *bound* log book as "Damaged" and maintained for inspection.

(d) Records kept in the bound log book must be retained on the business premises for not less than 5 years.

(e) The following is a sample format for recording required information.

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Dry Heat Sanitation Record Log (example)					
Date	Oven No.	Lot No.	Label Nos.	Articles	Person/Company Name
01/07/1998	A	1	1000-1011	5 mattresses 5 boxsprings	Salvation Army
01/07/1998	A	2	1012-1022	5 mattresses 5 boxsprings	ABC Thrift
01/07/1998	A	1	1010	VOID	VOID

Chemical Sanitation Log (example)					
Date	Chemical	Lot No.	Label Nos.	Articles	Person/Company Name
01/07/1998	Steri-Fab	2	1023-1034	5 mattresses 5 boxsprings	Salvation Army
01/07/1998	Steri-Fab	3	1034-1040	3 mattresses 3 boxsprings	Salvation Army
01/07/1998		2	1033	VOID	VOID

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Section 19124 and 19127.6, Business and Professions Code.

1256. Official Sanitization Label Requirements.

(a) All articles of bedding or bulk filling materials which have undergone an approved method of sanitization shall have a sanitization label firmly attached to the item in such an area so as to be easily and readily discernable. Sanitization labels shall be affixed to the item sanitized with silicate of soda or any type of adhesive approved by the Bureau.

(b) Sanitization labels shall be constructed of erasure-proof paper and shall be of a grade that will not change color on application of adhesive.

(c) Color of label shall be yellow and the printing shall be in black ink.

(d) Statements and headings on a sanitization label shall be as follows:

(1) "Under penalty of law this tag shall not be removed except by the consumer."

(2) "Certification is made that this secondhand article has been sanitized by a process approved pursuant to Division 8, Chapter 3, Article 6, of the Business and

Professions Code" (The Home Furnishings and Thermal Insulation Act).

(3) Lot number in which the article was sanitized.

(4) Sanitization label number. (Every label shall be numbered, the numbers shall run consecutively, and no duplicate numbers shall be used).

(5) Name of the article or filling material sanitized.

(6) Method must be printed or stamped: dry heat or chemical disinfectant

(7) Date sanitized.

(8) Name and address of sanitizing plant.

(9) Registry number assigned to the sanitizing plant by the Bureau.

(e) Size of sanitization label and type of printing.

(1) The minimum size of labels shall be 3 x 3 inches.

(2) The words "Secondhand Article" and "Sanitized" shall be a minimum of 3/8" in height in

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capital letters.

(3) All printing shall be in English.

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(f) Form of Label.

UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER	
Certification is made that this SECONDHAND (USED) ARTICLE HAS BEEN SANITIZED	
<small>By a process approved pursuant to Division 8, Chapter3, Article 6 of the Business and Professions Code, (The Home Furnishings and Thermal Insulation Act)</small>	
Lot No. _____ Label No. _____	(Yellow Label) The words "SECONDHAND (USED) ARTICLE" and "SANITIZED" shall be a minimum of 3/8" in height in capital letters Sanitization labels shall be affixed to the article sanitized with silicate of soda or any type of approved adhesives.
Article: _____	
Method: _____	
Date: _____	
Registry No. _____	
Sanitizing Plant: _____	

Note: Authority cited: Sections 19034 and 19127, Business and Professions Code. Reference: Sections 19124.5 and 19127, Business and Professions Code.

Article 10 False or Misleading Advertising

1300. Application of Article.

For the purposes of Sections 19150 and 19210 of the act, false or misleading advertising includes but is not limited to advertising, within the meaning of Section 17500 et seq. of the Business and Professions Code, which violates any provision of this article.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Sections 19088 and 19150, Business and Professions Code.

1300.1. Misleading, Defined.

In determining whether advertising is false or misleading it shall be considered in its entirety and as it would be read by the persons to whom it is designed to

appeal. It shall be considered to be misleading if it tends to deceive the public or impose upon credulous or ignorant persons.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Sections 19150 and 19210, Business and Professions Code.

1301. Former Price, Defined.

The term "former price" as used in Section 17501 of the Business and Professions Code and in this article includes but is not limited to the following words and phrases when used in connection with advertised prices; "formerly-", "regularly-", "usually-", "originally-", "reduced from _____," "was _____ now _____," "_____% off."

Note: Authority cited: Sections 19034 and 19088, Business and Professions Code. Reference: Sections 17500, 17501, 19150 and 19210, Business and Professions Code.

1302. Former Price of Same Article.

(a) No price, whether expressed in words, phrases, price figures, symbols, fractions, percentages, or otherwise, shall be advertised as the former price of an article unless such advertised former price applies to the article advertised.

(b) Except as provided in subdivision (c) of this section, the advertised former price must be the prevailing market price of the article in the locality wherein the advertisement is published, within three months immediately preceding the publication of the advertisement.

(c) If the advertised former price exceeds the three months' period as set forth in subdivision (b) above, the date when such former price did prevail must be clearly, exactly and conspicuously stated in the advertisement.

Note: Authority cited: Sections 19034 and 19088, Business and Professions Code. Reference: Sections 17500, 17501, 19150 and 19210, Business and Professions Code.

1304.1. Bait and Switch Advertising.

The term "Bait and Switch Advertising" means an alluring but insincere offer to sell a product or service which the advertiser in truth does not intend or want to sell. The purpose thereof is to switch consumers from buying the advertised merchandise, in order to sell something else, usually at a higher price or on a basis more advantageous to the advertiser. Bait and switch advertising of any article subject to the provisions of the Home Furnishings Act shall be deemed to be false

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and misleading. Practices which shall be considered as evidence of unlawful bait and switch advertising include but are not limited to the following:

- (a) Refusal to show the product advertised;
- (b) Disparagement in any respect of the advertised product or the terms of sale;
- (c) Failure to have available at all outlets listed in the advertisement sufficient quantities of the product to meet reasonable anticipated demands;
- (d) Refusal to take orders for the advertised merchandise for delivery within a reasonable period;
- (e) Showing or demonstrating a defective product unusable or impractical for the purposes implied in the advertisement;
- (f) Accepting a deposit for the product and then switching the purchaser to a higher priced item;
- (g) Failure to make deliveries within a reasonable time or to make a refund.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Sections 17500, 19088, 19150 and 19210, Business and Professions Code.

1305. Special Sale.

No advertisement shall represent that because of an unusual business event in the course of business or unusual manner of doing business or for any other reason an article is offered for sale at a savings in price unless such advertisement is in all respects true and not misleading. If an advertisement represents that the sale is being held for reasons relating to transactions which have already occurred or orders which have already been placed, the articles offered at sale prices are restricted to those articles on the premises, in the warehouse or in process from previous orders the date the sale is announced. Sales of this type include, but are not limited to, liquidation sales, inventory sales and overstock sales.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Sections 17500, 17501, 19088, 19150 and 19210, Business and Professions Code.

1306. Purchase of Additional Merchandise.

No advertisement shall represent that an article is offered for sale at a saving when the offer is conditioned upon the purchase of additional merchandise unless:

- (1) the terms and conditions imposed are clearly and correctly disclosed in immediate conjunction with the offer, and
- (2) the price

charged for the additional merchandise required to be purchased is not more than the prevailing market price for the merchandise.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Sections 17500, 17501, 19088, 19150 and 19210, Business and Professions Code.

1307. Pre-Ticketing.

No article shall be advertised by means of a "pre-ticketed" price, whether such price is used alone or in conjunction with descriptive terminology and whether such price appears on tags or labels affixed to the article, or in material such as display cards which are used with the article at the point of sale, or otherwise. A "pre-ticketed price," as used in this section, is a price which is in excess of the prevailing market price of the article to which it refers.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Sections 17500, 17501, 19088, 19150 and 19210, Business and Professions Code.

1308. Imperfects, Irregulars, Seconds or Damaged.

No article which is imperfect, irregular, a second or damaged shall be advertised in any manner which represents, or implies that the article is free from defects or is of the same grade or quality of the article as usually and customarily offered for sale in the regular course of business.

Note: Authority cited: Sections 19034 and 19088, Business and Professions Code. Reference: Sections 17500, 17531, 19150 and 19210, Business and Professions Code.

1309. Factory Outlet.

"Factory Outlet," "Factory Store," "Factory Showroom," or terms of similar import mean an establishment other than the factory where articles manufactured by the factory are sold; such terms shall not be used in any advertisement, sign, or by any other device or printed material unless the establishment is owned in its entirety by the factory and the factory is responsible for its operation, function, and pay of the employees and unless a minimum of 51 percent in dollar volume of the articles of furniture and bedding sold or offered for sale are manufactured by the factory.

Note: Authority cited: Section 19034, Business and

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Professions Code. Reference: Sections 17500, 17501, 17505, 19088, 19150 and 19210, Business and Professions Code.

1309.1. Factory Sales.

The term "Factory Sale" or terms of similar import shall not be used in any advertisement unless such advertisement is in connection with a sale of articles held in an establishment appropriated to the manufacture of those articles, or in connection with a sale conducted by an establishment as defined in Section 1309 of these regulations.

Note: Authority cited: Sections 19034 and 19088, Business and Professions Code. Reference: Sections 17500, 17501, 17505, 19150 and 19210, Business and Professions Code.

1309.2. Factory Direct.

"Factory Direct," "Factory to You," "Manufacturer to You," "Direct to You" and terms of similar import mean the sale of articles direct from the factory to the consumer; such terms shall not be used in any advertisement unless the transaction is between the two parties, billing of the articles is made by the factory direct to the consumer, and payment is made by the consumer direct to the factory.

Note: Authority cited: Sections 19034 and 19088, Business and Professions Code. Reference: Sections 17500, 17505, 19150 and 19210, Business and Professions Code.

1310. Custom Made.

No article shall be advertised by means of the terms "custom made," "custom-built," "custom-grade," "made-to-order," or any term of similar import, unless the article has been or will be made to the order and specifications of a particular ultimate user. An article does not meet the requirements of this section merely because the customer has a choice of coverings.

Note: Authority cited: Sections 19034 and 19088, Business and Professions Code. Reference: Sections 17500, 19010.1, 19150 and 19210, Business and Professions Code.

1311. Labor Free.

No advertisement shall represent or imply by means of the term "Labor Free" or any term of similar import that services with respect to an article will be performed without charge when a charge is made for such services in any manner whatever, including but not limited to an increase in the usual charge for the article

or any of the material used.

Note: Authority cited: Sections 19034 and 19088, Business and Professions Code. Reference: Sections 17500, 19150 and 19210, Business and Professions Code.

1312. Liquidation.

No advertisement shall represent or imply, by means of the term "Going Out of Business," "Selling Out," "Closing Out," "Liquidating," or any term of similar import, that the advertiser is going out of business, or is disposing of all or a portion of a stock of merchandise, unless such representation is true and is not in any respect misleading as to the advertiser's discontinuing business or as to the types and quantity of merchandise intended to be included, and unless the articles offered for sale, and to be sold, during the sale are restricted to those articles on the premises or in transit from previous orders the date the sale is announced. A mere change of business location, business name or type of business entity does not constitute going out of business within the meaning of this section.

Note: Authority cited: Sections 19034 and 19088, Business and Professions Code. Reference: Sections 17500, 19150 and 19210, Business and Professions Code.

1313. Guarantees and Warranties.

For the purpose of the Home Furnishings Act and of these regulations, the terms "guarantee" and "warranty" have like meanings. No advertisement shall contain any false or misleading representation concerning the nature, extent, duration, terms or cost of a guarantee of an article subject to the provisions of the Home Furnishings Act.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Sections 17500, 19088, 19150, 19152 and 19210, Business and Professions Code.

1314. Disclosure of Guarantee.

All guarantees shall be in writing and shall be displayed or a copy thereof delivered to the customer prior to the sale of any article of furniture or bedding represented to be covered by a guarantee. A guarantee shall be deemed false and misleading unless it conspicuously and clearly discloses in writing the following:

(a) The nature and extent of the guarantee including a description of all parts, characteristics or

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properties covered by or excluded from the guarantee, the duration of the

guarantee, and what must be done by a claimant before the guarantor will fulfill his obligation (such as returning the product and paying service or labor charges).

(b) The manner in which the guarantor will perform. The guarantee shall state all conditions and limitations, and exactly what the guarantor will do under the guarantee, such as repair, replacement or refund. If the guarantor or recipient of the guarantee has an option as to what may satisfy the guarantee, this must be clearly stated.

(c) The guarantor's identity and address shall be clearly revealed in any documents evidencing the guarantee.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Sections 17500, 19150, 19152 and 19210, Business and Professions Code.

1315. Pro-Rata Guarantee.

Any guarantee or any advertisement of a guarantee which provides for adjustment on a pro-rata basis shall be deemed false and misleading unless the guarantee and/or the advertisement conspicuously and clearly discloses this fact and the basis on which the guarantee will be prorated, e.g., the time the product has been used and in what manner the guarantor will perform. If adjustments are based on a price other than that paid by the purchaser, clear disclosure must be made of the amount.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Sections 17500, 19150, 19152 and 19210, Business and Professions Code.

1316. Secondhand Merchandise.

No article which is secondhand, as defined in the act, shall be advertised in any manner which represents or implies that the article is new.

Note: Authority cited: Sections 19034 and 19088, Business and Professions Code. Reference: Sections 19008, 19008.5, 19008.6 and 19150, Business and Professions Code.

Article 11

Latex Foam Rubber and Filling Regulations

1329. Definitions and Grades of Latex Foam.

(a) Latex foam is used as a filling material in various bedding products including mattresses, futons, and bed pillows. The term "Latex Foam" or "Latex Foam

Rubber" may be used interchangeably and shall mean filling material made from synthetic latex foam (polychloroprene), natural latex foam, reclaimed rubber or rubber-like materials or a mixture of the above. The cured foam shall consist of a network of open or inter-connecting cells uniform in size and character. Latex foam may be used as a molded fill containing an outer skin or as slabstock fill (sheets, strips or other specific shapes) cut to specific sizes and containing no skin. Latex foam rubbers may be either cored or solid.

(b) The term "first quality" may be used in conjunction with the terms latex foam or latex foam rubber provided the foam does not exceed a minor level of physical defects such as a surface or internal voids of up to one inch, loose skin up to 16 square inches, foreign materials up to 1/8 inch in diameter, shrinkage marks up to 1/8 inch in depth, pock marks or pour patterns up to 1/8 inch in depth.

(c) Irregular Latex Foam or Irregular Latex Foam Rubber shall mean any foam which has a moderate level of physical defects, such as surface or internal voids 1 to 3 inches deep, 16 to 32 square inches of loose skin, foreign materials 1/8 to 1/4 inch in diameter, shrinkage marks between 1/8 and 1/4 inch in depth, pock marks or pour patterns 1/8 to 1/4 inch in depth.

Labeling example: Irregular Latex Foam Rubber

(d) Scrap Latex Foam or Scrap Latex Foam Rubber shall mean any foam which contains an excessive amount of physical defects such as surface or internal voids exceeding 3 inches, loose skin over 32 square inches, foreign materials over 1/4 inch in diameter, shrinkage marks over 1/4 inch in depth, pock marks or pour patterns over 1/4 inch in depth, and also means any latex foam product consisting of loose pieces of latex foam or assembled loose pieces of latex foam (excluding assembly of the molded half sections).

Note: Authority cited: Sections 19034, 19089 and 19150, Business and Professions Code. Reference: Sections 19081, 19085, 19088, 19089 and 19150, Business and Professions Code.

1330. Physical Requirements of Latex Foam.

Any latex foam which does not meet any one of the following minimum physical requirements shall be designated on the law label as "Scrap Latex Foam" or "Scrap Latex Foam Rubber."

(a) Adhesive Bond. The bond shall be stronger than the adjoining foam when separated by hand. The seam shall not be noticeably hard when felt with the

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palm of the hand.

(b) The latex foam shall be constructed of a single piece or, if used to construct a pillow insert, two molded half sections. Modifications which are designed to enhance a special feature of the product are acceptable when such modifications have been approved by the Bureau.

Note: Authority cited: Sections 19034, 19089 and 19150, Business and Professions Code. Reference: Sections 19081, 19085, 19088, 19089 and 19150, Business and Professions Code.

Article 13 Flammability Regulations

1370. Flame Resistant, Flame Retardant.

(a) Filling materials labeled as "flame resistant," "flame retardant" and words of similar import shall be tested in accordance with, and shall meet the requirements of, the State of California, Bureau of Home Furnishings Technical Bulletin No. 117, entitled "Requirements, Test Procedures and Apparatus for Testing the Flame Retardance of Filling Materials Used in Upholstered Furniture," dated March 2000.

(b) Fabrics labeled as "flame resistant," "flame retardant," and words of similar import shall be tested in accordance with, and shall meet the requirements of, the State of California, Bureau of Home Furnishings Technical Bulletin No. 105, entitled, "Requirements, Test Procedures and Apparatus for Testing the Flame Retardance of Fabrics," dated January 1980.

Note: Authority cited: Sections 19034 and 19161, Business and Professions Code. Reference: Section 19161, Business and Professions Code.

1371. Mattresses - Smolder Resistance and Open-Flame Resistance.

(a) Mattresses including futons and hybrid flotation sleep systems containing a quilted fabric cover over a traditional water-filled bladder, shall meet the requirements set forth in the United States Government Standard for Flammability of Mattresses 16 CFR 1632, "Standard for the Flammability of Mattresses and Mattress Pads".

(b) Effective January 1, 2005, mattresses, including futons, and mattress/box springs sets, manufactured for sale in California shall meet the open-flame resistance requirements of California Technical Bulletin 603, titled "Requirements and Test Procedure for Resistance of a Mattress/Box Spring Set to a Large Open-Flame", dated January 2004.

(c) Pursuant to Section 19161(b) of the Business and Professions Code (Bureau of Home Furnishings Act) and for the purposes of the rules and regulations, the term, "transient lodging" means: hotels, motels, inns, bed and breakfasts or similar facilities which provide lodging for travelers and tourists. "Transient lodging" does not include hospitals, nursing homes or facilities, community care facilities, elderly care facilities, facilities for the developmentally disabled or any other facility not engaged in the business of providing lodging to travelers or tourists.

(d) Exemptions

(1) One-of-a-kind (custom made) mattresses and mattress pads free of flame-retardant chemicals are exempt per 16 CFR 1632, if the criteria for exclusion can be met.

(2) The mattress portion of a sofa bed is amenable if the mattress can be completely removed. If the sofa bed mattress is permanently attached, it is exempt from TB 603 per 16 CFR 1632.1 (a)(2).

(e) Two-sided mattress with identical construction on both sides is subjected to one test. Two-sided mattress with different construction on one side than the other must be tested on both sides.

(f) Mattress pad is a thin, flat, mat or cushion and/or ticking filled with resilient filling material used on top of or to cover a mattress but not intended for use as support for the body for sleeping upon.

(g) Mattresses including futons and mattress/box spring sets, shall meet the requirements set forth in the United States Government Standard for Flammability of Mattresses 16 CFR 1632, "Standard for the Flammability of Mattresses and Mattress Pads", and 16 CFR 1632.31, subdivision (b)(3) pertaining to labeling, which requires that each mattress, including futons and mattress/box spring sets or mattress pad subject to 16 CFR 1632 shall bear a permanent, accessible, and legible label containing the month and year of manufacture and the location of the manufacturer.

(h) In addition to the requirements set forth in subsection (g) of this section, all products which meet the requirements of Technical Bulletin 603 shall have imprinted on the law label following the statement required by Section 1126(d) (6), the following statement: "This product meets the requirements of the California Bureau of Home Furnishings Technical Bulletin 603".

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(i) For mattresses, futons, and box spring sets and similar items. (A manufacturer may continue to use the law labels authorized by the amendment to this section filed 1-22-04 (Registered 2004, No. 4) until the supply of these labels is exhausted.)

(Space for Stitching)		(WHITE LABEL)	
UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER.			
ALL NEW MATERIAL consisting of			Minimum type size one-eighth inch in height, in capital letters.
Registry No. _____			Insert description of filling materials by clearly imprinting in English, using capital letters not less than one-eighth inch high.
Certification is made by the manufacturer that the materials in this article are described in accordance with law.			
Name/Address of Manufacturer or Vendor:			This space optional.
Finished Size	Net Wt. of Filling Mat'l		
This product meets the requirements of the California Bureau of Home Furnishings Technical Bulletin 603.			
Manufactured in:			

packaged), except polyurethane foam which cannot reasonably be expected to be used in or as an article of furniture or in or as a mattress, that is offered for sale to the general public at retail outlets in this state for non-commercial or non-manufacturing purposes shall meet the test requirements set forth in Section A, Part I; Section A, Part II and Section D, Part II of the State of California, Bureau of Home Furnishings Technical Bulletin No. 117, entitled "Requirements, Test Procedures and Apparatus for Testing the Flame Retardance of Filling Materials Used in Upholstered Furniture," dated March 2000.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Section 19161.3, Business and Professions Code.

1374. Flammability; Upholstered and Reupholstered Furniture.

(a) All filling materials contained in any article of upholstered furniture, and all filling materials added to reupholstered furniture, shall meet the test requirements as set forth in the State of California, Bureau of Home Furnishings Technical Bulletin Number 117, entitled "Requirements, Test Procedures and Apparatus for Testing the Flame Retardance of Filling Materials Used in Upholstered Furniture," dated March 2000.

(b) In addition to the requirements of subsection (a) above, finished articles of upholstered furniture may also be tested in accordance with the State of California, Bureau of Home Furnishings Technical Bulletin Number 116 entitled "Test Procedures and Apparatus for Testing the Flame Retardance of Upholstered Furniture," dated January 1980.

(c) On and after March 1, 1992, all upholstered seating furniture sold for use in public occupancies, as defined in subsection (d) below, shall meet the test requirements set forth in the State of California, Bureau of Home Furnishings and Thermal Insulation Technical Bulletin Number 133, entitled "Flammability Test Procedure For Seating Furniture For Use in Public Occupancies," dated January 1991.

(d) For purposes of this section, the term "public occupancies" shall mean:

(1) Jails, prisons, and penal institutions, as defined in Chapter 3 of the California State Building Standards Code.

(2) Hospitals, mental health facilities, and similar health care facilities, as defined in Chapter 3 of the California State Building Standards Code.

(3) Nursing homes, board and care facilities, and convalescent homes, as defined in Chapter 3 of the California State Building Standards Code.

Note: Authority cited: Sections 19034 and 19161, Business and Professions Code. Reference: Section 19161, 19081, and 19089.5 Business and Professions Code

1373.2. Flammability; Flexible Polyurethane Foam.

All flexible polyurethane foam in the form of slabs, blocks, or sheets, or which is shredded (loose or

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(4) Child day care centers, as defined in Chapter 3 of the California State Building Standards Code.

(5) Public auditoriums and stadiums, as defined in Chapter 3 of the California State Building Standards Code.

(6) Public assembly areas, as defined in Chapter 3 of the California State Building Standards Code, containing ten (10) or more articles of seating furniture and located in hotels, motels and lodging houses.

(e) Public occupancies and public assembly areas, as defined in Section 1374(d), which are fully sprinklered in accordance with either National Fire Protection Association (NFPA) Standard NFPA 13-1996 or Uniform Building Code Standard No. 38-1, dated 1988 shall comply with the requirements of Section 1374(a) and may comply with the requirements of Section 1374(c).

(f) The flammability requirements contained in this section are considered to be flammability performance standards. Testing under these standards shall be at the discretion of the licensee; however, products and materials offered for sale in this state shall meet all applicable flammability requirements established in these regulations.

Note: Authority cited: Sections 19034 and 19161, Business and Professions Code. Reference: Section 19161, Business and Professions Code.

1374.1. Exemptions.

(a) Articles exempted from the provisions of Section 1374 of these regulations shall have a label attached to the surface area of the article, in plain view stating the following:

NOTICE

THIS ARTICLE DOES NOT MEET CALIFORNIA BUREAU OF HOME FURNISHING'S FLAMMABILITY REQUIREMENTS- TECHNICAL BULLETIN 117. CARE SHOULD BE EXERCISED NEAR OPEN FLAME OR WITH BURNING CIGARETTES.

(b) The minimum size of the label shall be 2 x 3 inches and the minimum size of type shall be one-eighth inch in height. All type shall be in capital letters.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Sections 19081 and 19161.5, Business and Professions Code.

1374.2. Criteria for Exemption.

Articles of upholstered furniture, other than juvenile furniture and furniture used for and in facilities designed for the care or treatment of humans, which meet any of the following criteria shall be exempt from compliance with the provisions of Section 19161 of the Home Furnishings Act:

(a) Cushions and pads intended solely for outdoor use.

(b) Any article which is smooth surfaced and contains no more than one-half (1/2) inch of filling material, provided that such article does not have a horizontal surface meeting a vertical surface.

(c) Articles manufactured solely for recreational use or physical fitness purposes, such as weight lifting benches, gymnasium mats or pads, side horses and similar articles.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Section 19161.5, Business and Professions Code.

1374.3. Labeling.

(a) Upholstered furniture conforming to the requirements of Section 1374(a) and 1374(b) of these regulations shall have a label permanently attached to the article, in plain view, stating the following:

NOTICE

THIS ARTICLE MEETS ALL FLAMMABILITY REQUIREMENTS OF CALIFORNIA BUREAU OF HOME FURNISHINGS TECHNICAL BULLETINS 116 AND 117. CARE SHOULD BE EXERCISED NEAR OPEN FLAME OR WITH BURNING CIGARETTES.

(b) Upholstered articles conforming to Section 1374(a) but which may not conform to Section 1374(b) shall have a label permanently attached to the article, in plain view, stating the following:

NOTICE

THIS ARTICLE MEETS THE FLAMMABILITY REQUIREMENTS OF CALIFORNIA BUREAU OF HOME FURNISHINGS TECHNICAL BULLETIN 117. CARE SHOULD BE EXERCISED NEAR OPEN FLAME OR WITH BURNING CIGARETTES.

(c) Articles of furniture conforming to the requirements of section 1374(c) shall have a label permanently attached to the article, in plain view, stating the following:

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NOTICE

THIS ARTICLE IS MANUFACTURED FOR USE IN PUBLIC OCCUPANCIES AND MEETS THE FLAMMABILITY REQUIREMENTS OF CALIFORNIA BUREAU OF HOME FURNISHINGS TECHNICAL BULLETIN 133. CARE SHOULD BE EXERCISED NEAR OPEN FLAME OR WITH BURNING CIGARETTES.

(d) Minimum size of the label for subsections (a), (b) and (c) shall be 2 x 3 inches and the minimum size of the type shall be one-eighth inch in height. All type shall be in capital letters.

(e) All flammability labels described in sections 1373.1, 1374.1, and 1374.3 shall also comply with the labeling requirements of sections 1126(a) and (b).

Note: Authority cited: Sections 19034 and 19161, Business and Professions Code. Reference: Sections 19080, 19081 and 19161, Business and Professions Code.

Article 14 Custom Upholsterers

1375. Oral Consent to Revision of Estimate and/or Work Order.

(a) Where a customer orally consents to work performed or materials supplied which exceed the estimated price, the date, time and name of the person receiving such consent and the conditions of such consent, if any, shall be set forth on the estimate and on the work order.

(b) Where a customer orally consents to work performed or materials supplied which differ from those specified in the work order, the date, time and name of the person receiving such consent, and the conditions of such consent, if any, shall be set forth on the work order.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Sections 19162 and 19163 Business and Professions Code.

1377. Estimate and Work Order Form Requirements.

(a) Minimum Requirements. The items of information required by this article are minimum requirements which must be included on estimates and work orders. Other information may be included if it does not detract from or obscure the information required in these regulations.

(b) Heading on Estimate and Work Order Forms.

The following statement shall appear at the top of each estimate or work order form:

NOTICE

This form required by Sections 19162 and 19163 of the California Business and Professions Code.

(c) Designation of Forms. The form shall provide a means by which the custom upholsterer can indicate whether the form constitutes an estimate, work order, or both. This shall appear immediately below the statement required in (b) above.

(d) Specific Information Required. The custom upholsterer shall include on each estimate or work order form:

(1) The name, registry number, address and telephone number of the firm.

(2) The customer's name, address and telephone number.

(3) A reasonably detailed description of the article to be upholstered.

(4) Description of work to be done as follows:

(A) Whether new cushions are to be provided and if so, specify type of cushion.

(B) Whether existing fabric(s) are to be completely removed.

(C) If springs are to be retied.

(D) If new filling material is to be used and if so, the form must state that a green law label specifying the contents of the article is to be attached.

(E) If frame is to be re-glued.

(F) Sufficient space to specify work to be done other than that shown above.

(5) Fabric information as follows:

(A) Kind of fiber fabric is composed of (generic name).

(B) Amount of yards required.

(C) Width of fabric.

(D) Price of fabric per yard.

(E) If the fabric is stain repellent.

(6) Estimated date of completion.

(7) Total cost delivered to the customer.

(8) Dated signature of the customer.

(9) Dated signature of the firm representative.

(10) A space for any additional information or conditions pertaining to the estimate or work order.

(11) The time period within which the estimate is valid.

(e) Additional Charges. The following statement shall appear at the bottom of each estimate or work order: "Sections 19162 and 19163 of the Business and Professions Code provide that no charge shall be made in excess of the estimated price without the oral or written consent of the customer."

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Note: Authority cited: Sections 19034 and 19163, Business and Professions Code. Reference: Sections 19162 and 19163, Business and Professions Code.

Article 15 Denial, Suspension and Revocation of Licenses

1379. Disciplinary Guidelines.

In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400 et seq.), the bureau shall consider the disciplinary guidelines entitled "Bureau of Home Furnishings and Thermal Insulation's Disciplinary Guidelines (August 1997)" which are hereby incorporated by reference. Deviation from these guidelines and orders, including the standard terms of probation, is appropriate where the bureau in its sole discretion determines that the facts of the particular case warrant such a deviation -- for example: the presence of mitigating factors; the age of the case; evidentiary problems.

Note: Authority cited: Section 19034, Business and Professions Code, Sections 11400.20 and 11400.21, Government Code. Reference: Sections 11400.20, 11400.21 and 11425.50 (e), Government Code.

1380. Substantial Relation Criteria.

For the purposes of denial, suspension or revocation of a license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime shall be considered to be substantially related to the qualifications, functions or duties of a licensee under Division 8, Chapter 3 (commencing with Section 19000) of the Business and Professions Code, if to a substantial degree it evidences present or potential unfitness of such licensee to perform the functions authorized by his license in a manner consistent with the public health, safety, or welfare. Such crimes shall include but not be limited to:

(a) Those violations specifically enumerated in Articles 3 through 7, inclusive, and Article 9 of Chapter 3 of Division 8 of the Business and Professions Code. (Chapter 3 of Division 8 of the Business and Professions Code is commonly called the Home Furnishings Act.)

(b) Those violations specifically enumerated in Article 1 of Chapter 1 of Part 3 of Division 7 of the Business and Professions Code. (Article 1 of Chapter 1 of Part 3 of Division 7 of the Business and Professions Code is that portion of the Code which concerns

general false and misleading advertising practices.)

Note: Authority cited: Sections 481 and 19034, Business and Professions Code. Reference: Sections 480 and 481, Business and Professions Code.

1381. Criteria for Rehabilitation.

When considering the denial, suspension or revocation of a license on the ground of conviction of a crime the Bureau will consider the following criteria:

- (a) The nature and severity of the offense(s).
- (b) Total criminal record.
- (c) Extent of time that has elapsed since commission of the offense(s).
- (d) Whether the licensee has complied with any or all terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.
- (e) Evidence, if any, of rehabilitation submitted by the licensee.

(1) Include (if applicable) evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

Note: Authority cited: Sections 482 and 19034, Business and Professions Code. Reference: Sections 480 and 482, Business and Professions Code.

1382. Petition for Reinstatement.

When considering a petition for reinstatement of a license under the provisions of Section 11522 of the Government Code, the Bureau will evaluate evidence of rehabilitation submitted by the licensee, considering those criteria specified in Section 1381 of this article.

Note: Authority cited: Sections 475 and 19034, Business and Professions Code. Reference: Sections 475, 480 and 482, Business and Professions Code.

Article 15.5 Citation Regulations

1383. Citations.

The chief of the bureau is authorized to determine when and against whom a citation will be issued and to issue citations containing orders of abatement and/or fines for violations by any person as defined by Section 19002 of the Business and Professions Code who holds a license for a violation of provisions of law referred to in Section 1383.2 of this article.

Note: Authority cited: Sections 125.9, 148 and 19034, Business and Professions Code. Reference: Sections 125.9 and 148, Business and Professions Code.

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1383.1. Citation Format.

Each citation shall:

(a) be in writing;

(b) describe with particularity the nature of the violation, including specific reference to the provision of law determined to have been violated;

(c) contain assessment of an administrative fine and/or an order of abatement fixing a reasonable period of time for abatement;

(d) inform the cited person that if he or she desires a hearing to contest the finding of the violation, that hearing shall be requested by written notice to the bureau within 30 days of the issuance of the citation;

(e) be served upon the licensee personally or by certified mail.

Note: Authority cited: Sections 125.9, 148 and 19034, Business and Professions Code. Reference: Sections 125.9 and 148, Business and Professions Code.

1383.2. Fines.

(a) The chief shall assess fines in accordance with the following schedule: provided, however, in no case shall the total exceed \$2,500 for each inspection made with respect to the violation.

Rule*	Description	Range of Fines
Article 1. General Provisions.		
1108	Procedure Re License	\$150 to 1500
1109	"Withhold from Sale" Tag	100 to 1,000
1110	Names of Filling Materials	100 to 1,000
1113	Deviation from Percentages Stated	100 to 1000
1114	Water Repellent, Water Resistant	100 to 1000
1116	Mildew Proof, Mildew Resistant	100 to 1,000
1118	Moth Proof, Moth Resistant	100 to 1,000
1119	Bacteria Proof, Odor Resistant	100 to 1,000
1120	Stain Proof, Stain Resistant	100 to 1,000
1121	Soil Resistant, Soil Repellent	100 to 1,000

Article 2. Official Law Labels for Upholstered Furniture and Bedding and Bulk Filling Materials.

1125	Labeling Requirements	100 to 1,000
1126	Official Law Label Requirements	100 to 1,000

Article 2.5. Universal Filling Requirements.

1130	Cleanliness	100 to 1,000
1131	Oil and Grease Limitations	100 to 1,000
1132	Trash Limitation – Vegetable Fibers	100 to 1,000
1133	Sludge Limitations	100 to 1,000
1134	Residue Limitations	100 to 1,000

Article 3. Universal Definitions and Labeling.

1135	Terms of Definition and Label Requirements	100 to 1,000
1137	Care Instructions	100 to 1,000

Article 5. Plumage Regulations.

1192.1	Plumage Products - Comply with Federal Standards	100 to 1,000
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Article 9. Sanitization Regulations.

1253	Chamber Identification	100 to 1,000
1254	Lot (sanitization)	100 to 1,000
1256	Records (sanitization)	100 to 1,000
1258	Method of Sanitization	100 to 1,000
1265	Disinfecting (sanitization)	100 to 1,000
1266	Official Sanitization Label (sanitization) Requirements	100 to 1,000

Article 10. False or Misleading Advertising.

1301	Former Price	200 to 2,000
1302	Former Price of Same Article	200 to 2,000
1304.1	Bait and Switch Advertising	200 to 2,000
1305	Special Sale	200 to 2,000
1306	Purchase of Additional Merchandise	200 to 2,000
1307	Pre-Ticketing	200 to 2,000
1307	Imperfects, Irregulars, Second or Damaged	200 to 2,000
1309	Factory Outlet	200 to 2,000
1309.1	Factory Sales	200 to 2,000
1309.2	Factory Direct	200 to 2,000
1310	Custom Made	200 to 2,000
1311	Labor Free	200 to 2,000
1312	Liquidation	200 to 2,000
1313	Guarantee and Warranty	200 to 2,000
1314	Disclosure of Guarantee	200 to 2,000
1315	Pro-rata Guarantee	200 to 2,000
1316	Secondhand Merchandise	200 to 2,000

Article 13. Flammability Regulations.

1370	Flame Resistant, Flame Retardant	250 to 2,500
1371	Mattresses	250 to 2,500
1373.1	Non-Flame Retardant Polyurethane Foam	250 to 2,500
1373.2	Flammability; Flexible Polyurethane Foam	250 to 2,500
1374	Flammability; Upholstered and Reupholstered Furniture	250 to 2,500
1374.1	Exemptions	250 to 2,500
1374.3	Labeling	100 to 1,000

Article 14. Custom Upholsterers.

TITLE 4 BUREAU OF HOME FURNISHINGS & THERMAL INSULATION

1375	Oral Consent to Revision of Estimate and/or Work Order	150 to 1,500
1377	Estimate and Work Order Form Requirements	150 to 1,500

Business and Professions Code Section

Article 3. Licensing.

19060	Separate license for each branch house	150 to 1,500
19060.5	On his own account	150 to 1,500
19060.6	Contracts for repair of furniture and bedding	150 to 1,500
19061	One address, multiple names	150 to 1,500
19062	Posting of license	100 to 1,000

Article 4. Application of Chapter.

19071	Sanitization	100 to 1,000
19072	Compliance with chapter defined	150 to 1,500
19072.5	Responsibility for labeling	100 to 1,000
19072.6	Labeling of slip seats	100 to 1,000

Article 5. Labeling.

19080	Law label	100 to 1,000
19083	Attaching labels	100 to 1,000
19084	Printing on one side	100 to 1,000
19085	Advertising on label	100 to 1,000
19086	Covering label	100 to 1,000
19087	Removal of labels	250 to 2,500
19088	Misleading information on labels	200 to 2,000
19089.3	Waterbed labels	100 to 1,000
19089.5	Non fire retardant material label	250 to 2,500
19092	Secondhand material label	100 to 1,000
19093	Custom Upholster label	100 to 1,000

Article 6. Sanitization.

19121	Resale of soiled bedding	100 to 1,000
19122	Testing of sanitization equipment	100 to 1,000
19123.4	Sanitization of secondhand filling	100 to 1,000
19123.5	Sanitization for resale	100 to 1,000
19123.6	Sanitization of secondhand bedding	100 to 1,000
19124	Sanitization in accordance with regulations	100 to 1,000
19124.5	Affixing sanitization label	100 to 1,000
19127.5	Illegal possession of sanitization label	100 to 1,000
19127.6	Sanitizer label records	100 to 1,000
19129	Sanitization of secondhand	100 to 1,000

	bedding	
19131	Sanitization of bedding contagious disease	250 to 2,500
19132	Separation of sanitized	100 to 1,000

Article 7. Regulations.

19150	False advertising	200 to 2,000
19151	Misleading illustrations	200 to 2,000
19152	Unconditional warranties	200 to 2,000
19158	Custom upholsterer ID label	100 to 1,000
19160	Cleanliness of premises	100 to 1,000
19161	Fire retardant requirements	250 to 2,500
19161.3	Fire retardant polyurethane foam	250 to 2,500
19162	Custom upholsterer estimate	150 to 1,500
19163	Custom upholsterer work order	150 to 1,500
19165	Insulation product testing	250 to 2,500

Article 9. Enforcement.

19204	Removal of Withhold tag	250 to 2,500
19205	Failure to produce withheld products	250 to 2,500
19206	Interference with an inspector's duties	250 to 2,500

*References for Rules are to sections of Title 4 of the California Code of Regulations.

Note: Authority cited: Sections 125.9, 148 and 19034, Business and Professions Code. Reference: Sections 125.9 and 148, Business and Professions Code.

1383.3. Citation Factors.

In assessing an administrative fine and issuing an order of abatement, the chief shall give due consideration to the following factors:

- (a) The nature and severity of the violation.
- (b) The good or bad faith of the cited person.
- (c) The history of previous violations.
- (d) Evidence that the violation was willful.
- (e) The extent to which the cited person or entity has cooperated with the bureau.
- (f) The extent in which the cited person has mitigated or attempted to mitigate any loss caused by the violation.
- (g) The extent of the consumer injury which is a direct and proximate result of the violation.
- (h) Such other matters as justice may require.

Note: Authority cited: Sections 125.9, 148 and 19034, Business and Professions Code. Reference: Sections 125.9 and 148, Business and Professions Code.

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1383.4. Failure to Comply with Order.

(a) The time allowed for the abatement of a violation shall begin the first day after the order of abatement has been served or received. If a cited person who has been issued an order of abatement is unable to complete the correction within the time set forth in the citation because of conditions beyond his or her control after the exercise of reasonable diligence, the person cited may request an extension of time from the chief in which to complete the correction. Such a request shall be in writing and shall be made within the time set forth for abatement.

(b) An order of abatement shall either be personally served or mailed by certified mail, return receipt requested.

(c) When an order of abatement is not contested or if the order is appealed and the person or entity cited does not prevail, failure to abate the violation charged within the time specified in the citation shall constitute a violation and failure to comply with the order of abatement. Failure to timely comply with an order of abatement may result in disciplinary action being taken by the bureau or other appropriate judicial relief being taken against the person cited.

Note: Authority cited: Sections 125.9, 148 and 19034, Business and Professions Code. Reference: Sections 125.9 and 148, Business and Professions Code.

1383.5. Contest of Citations.

(a) In addition to requesting a hearing provided for in subdivision (b)(4) of Section 125.9 of the Business and Professions Code, the person cited may, within ten (10) days after service of the citation, notify the chief in writing of his or her request for a citation review conference with the chief regarding the acts charged in the citation.

(b) The chief shall hold, within 30 days from the receipt of the request, a citation review conference with the person cited or his or her legal counsel or authorized representative. At the conclusion of the citation review conference the chief may affirm, modify or dismiss the citation, including any fine levied or order of abatement issued. The chief shall state in writing the reasons for his or her action and transmit a copy of his or her findings and decision to the person cited. This decision shall be deemed to be a final order with regard to the citation issued, including the fine levied and the order of abatement.

(c) The person cited does not waive his or her right to request a hearing to contest the citation by requesting a citation review conference after which the citation is affirmed by the chief. If the citation, including any fine levied or order of abatement, is modified, the

citation originally issued shall be considered withdrawn and the new citation issued. If a hearing is requested for the subsequent citation, it shall be requested within 30 days in accordance with the subdivision (b)(4) of Section 125.9 of the Business and Professions Code.

Note: Authority cited: Sections 125.9, 148 and 19034, Business and Professions Code. Reference: Sections 125.9 and 148, Business and Professions Code.

1383.6. Unlicensed Practice.

The chief may issue citations, in accordance with Section 125.9 of the code, against any unlicensed person who is acting in the capacity of a licensee under the jurisdiction of the bureau and who is not otherwise exempt from licensure. Each citation shall contain an order of abatement fixing a reasonable period of time for abatement of a violation and may contain assessment of an administrative fine. Administrative fines shall be in a range from \$100 to \$2,500 for each investigation. Any sanction authorized for the activity under this section shall be separate from and in addition to any other civil or criminal remedies.

Note: Authority cited: Sections 148 and 19034, Business and Professions Code. Reference: Sections 125.9 and 148, Business and Professions Code.